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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF WASHINGTON

8 JOHN BURTON,

9 Plaintiff,

10 v.

11 CITY OF SPOKANE, *et al.*,

12 Defendants.  
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NO. CV-06-322-RHW

**ORDER DENYING PLAINTIFF'S  
MOTION FOR PROTECTIVE  
ORDER**

14 Before the Court is Plaintiff's Motion for a Protection Order (Ct. Rec. 102).  
15 The motion was heard without oral argument and on an expedited basis.

16 Plaintiff is seeking a protective order from Defendant's discovery requests  
17 that seek medical records, psychological records, and jail records. Plaintiff argues  
18 that the requested evidence is too remote in time and the prejudicial effect of the  
19 requested discovery outweighs the value of the inadmissible character evidence.

20 Fed. R. Civ. P. 26(b) states:

21 Unless otherwise limited by court order, the scope of discovery  
22 is as follows: Parties may obtain discovery regarding any  
23 nonprivileged matter that is relevant to any party's claim or defense . .  
24 . For good cause, the court may order discovery of any matter relevant  
to the subject matter involved in the action. Relevant information  
need not be admissible at the trial if the discovery appears reasonably  
calculated to lead to the discovery of admissible evidence.

25 Fed. R. Civ. P. 26(c) provides that the Court may, for good cause, issue an  
26 order to protect a party from annoyance, embarrassment, oppression, or undue  
27 burden or expense. Subsection (c) also states that any motion for protective order  
28 must include a certification that the party has in good faith conferred or attempted

**ORDER DENYING  
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1 to confer with the other party in an effort to resolve the dispute without court  
2 action. There is nothing in the record that indicates that the parties have conferred  
3 prior to Plaintiff filing his Motion for a Protection Order.

4 Moreover, Plaintiff has not shown how the information sought would lead to  
5 annoyance, embarrassment, oppression, or undue burden or expense. In lieu of  
6 providing the requested information, Defendants are asking Plaintiff to sign a  
7 release. Whether the information sought is ultimately admissible at trial has no  
8 bearing on whether the requested discovery is relevant and discoverable.

9 Accordingly, **IT IS HEREBY ORDERED:**

10 1. Plaintiff's Motion for a Protection Order (Ct. Rec. 102) is **DENIED**.

11 2. Plaintiff's Motion to Expedite Hearing (Ct. Rec. 104) is **GRANTED**.

12 **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
13 Order and forward copies to counsel.

14 **DATED** this 20<sup>th</sup> day of June, 2008.

15 *S/ Robert H. Whaley*

16 **ROBERT H. WHALEY**  
17 Chief United States District Judge

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